

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LEODEGARIO SALVADOR,
Plaintiff,
vs.
BANK OF AMERICA NA, *et al.*,
Defendants.

Case No. 2:14-cv-00149-LDG-GWF

ORDER

This matter comes before the Court on Defendant Bank of America’s (“BOFA”) Motion to Quash Service (#5), filed on January 29, 2014. This matter also comes before the Court on Defendant MTC Financial’s (“MTC”) Motion to Quash Service (#9), filed on February 7, 2014. Plaintiff filed a Response (#14) to both motions on February 24, 2014. BOFA filed a Reply (#5) on February 26, 2014. The Court scheduled the motions to be heard on Monday, March 3, 2013. *See Minute Orders, Doc. #6 and Doc. #13.*

To serve process on a corporation, a plaintiff must personally serve a copy of the summons and complaint to an officer, a managing or general agent, or any other agent authorized to receive service of process, as well as deliver a copy to the defendant by mail. *See Fed. R. Civ. P. 4(h)*. A plaintiff may also request a defendant to waive service by mailing a request along with the complaint and summons, and giving the defendant a reasonable time to return the waiver. *See Fed. R. Civ. P. 4(d)*. Here, BOFA and MTC both represent that Plaintiff merely mailed a copy of the summons and complaint, without including a request for waiver. This is inadequate service under Rule 4; therefore, the Court will quash service. However, under Rule 4(m), Plaintiff still has until May 2, 2014 to effectuate service of process. Accordingly,

1 **IT IS HEREBY ORDERED** that Defendant Bank of America's Motion to Quash (#5) is
2 **granted.**

3 **IT IS FURTHER ORDERED** that Defendant MTC Financial's Motion to Quash Service
4 (#9) is **granted.**

5 **IT IS FURTHER ORDERED** that the 10:30 a.m., Monday, March 3, 2014 hearing on the
6 motions is **vacated**.

7 **IT IS FURTHER ORDERED** that, to the extent Defendants have email or telephone
8 contact information for Plaintiff, they notify Plaintiff that the March 3, 2014 hearing is vacated.

9 DATED this 28th day of February, 2014.

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12 GEORGE FOLEY, JR.
13 United States Magistrate Judge